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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,667	10/16/2003	Abraham Glezerman	04291/100M649-US1	2666
7278	7590	07/19/2006	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			NGUYEN, KHAI MINH	
			ART UNIT	PAPER NUMBER
			2617	
DATE MAILED: 07/19/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/605,667	Applicant(s) GLEZERMAN, ABRAHAM	
	Examiner Khai M. Nguyen	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-26,28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-26,28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3-26, and 28-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-8, 13-23, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glezerman (U.S.Pub-20020098877) in view of Chung et al. (U.S.Pub-20030114201).

Regarding claim 1, Glezerman teaches a wireless communications kit for use with a cellular telephone (fig.1, abstract), comprising:

a communications headset having a common mount (fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024);

a housing (fig.1, headset 110) attached to the mount (paragraph 0021-0024), the housing including a microphone (fig.1, microphone 140, abstract), a speaker (fig.1, earphone 150, abstract), a rechargeable battery and communications circuitry therein (fig.5, paragraph 0028), the microphone and speaker being in communication with the cellular telephone (abstract, communication with a communication device), the

communications circuitry having the microphone as an input and the speaker as an output (fig.5, transceiver circuitry 500, abstract, paragraph 0028).

a second attachment shaped to secure itself to the mount and including a top portion arranged to attach to a temple member of a pair of glasses (fig.1-2c, paragraph 0021-0024).

Glezeman fails to specifically disclose a first attachment shaped to secure itself to the mount and configured to seat itself about an ear of a user. However, Chung teaches a first attachment shaped to secure itself to the mount (fig.2, hanger 200) and configured to seat itself about an ear of a user (fig.1-2, and 7, hanger 200, abstract, paragraph 0012-0013, 0028). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a first attachment shaped to secure itself to the mount and configured to seat itself about an ear of a user as taught by Chung with Glezeman teaching in order to provide the headset to easily worn on a user's ear and to maintained in it's initial stable and comfortable wearing position.

Regarding claim 3, Glezeman and Chung further teaches the wireless communications kit of claim 1, wherein the mount comprises a slot through the housing of the communication headset (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024).

Regarding claim 4, Glezeman and Chung further teaches the wireless communications kit of claim 3, wherein the first (see Chung, fig.2, hanger 200) and second attachments include a downwardly dependent leg shaped and sized for receipt

in the slot (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024, see Chung, paragraph 0039-0040).

Regarding claim 5, Glezeman and Chung further teaches the wireless communications kit of claim 28, wherein the leg is frictionally fit within the slot (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024, see Chung, paragraph 0039-0041).

Regarding claim 6, Glezeman and Chung further teaches the wireless communications kit of claim 28, wherein the leg includes an upper portion and a lower portion slightly transposed from the upper portion (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024, see Chung, paragraph 0039-0041).

Regarding claim 7, Glezeman and Chung further teaches the wireless communications kit of claim 28, wherein the slot includes a series of constrictions and the leg includes a protuberance (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024), the protuberance being urged past the series of constrictions upon insertion and withdrawal of the leg and wherein each constriction individually secures the attachment from separation from the housing of the communication headset (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024).

Regarding claim 8, Glezeman and Chung further teaches the wireless communications kit of claim 7, wherein the leg includes a series of protuberances (see

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Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024).

Regarding claim 13, Glezeman and Chung further teaches the wireless communications kit of claim 1, wherein the top portion includes:

a face with serrations to securely engage to a temple member of a pair of glasses (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024); and

a cooperating mechanism operative to move relative to the face between an open and a closed position (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024).

Regarding claim 14, Glezeman and Chung further teaches the wireless communications kit of claim 13, wherein the cooperating mechanism is a clip (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024).

Regarding claim 15, Glezeman and Chung further teaches the wireless communications kit of claim 13, wherein the cooperating mechanism is a spring-loaded lever (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024).

Regarding claim 16, Glezeman and Chung further teaches the wireless communications kit of claim 13, wherein the cooperating mechanism locks into a closed

position to secure the communications headset to the temple member (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024).

Regarding claim 17, Glezeman and Chung further teaches the wireless communications kit of claim 28, wherein the mount comprises a post having a free end extending from the housing of the communication headset (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024).

Regarding claim 18, Glezeman and Chung further teaches the wireless communications kit of claim 17, wherein the first (see Chung, fig.2, hanger 200) and second attachments include a downwardly dependent leg shaped and sized for receipt about the post so as to secure the leg to the post (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024, see Chung, paragraph 0039-0040).

Regarding claim 19, Glezeman and Chung further teaches the wireless communications kit of claim 18, wherein the leg is frictionally fit about the post (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024, see Chung, paragraph 0039-0041).

Regarding claim 20, Glezeman and Chung further teaches the wireless communications kit of claim 18, wherein the post includes a series of protuberances and the leg includes a protuberance (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024), the protuberance being urged past the series of protuberances upon placement of the leg about the post, and wherein each

protuberance individually secures the attachment from separation from the housing of the communication headset(see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024).

Regarding claim 21, Glezeman and Chung further teaches the wireless communications kit of claim 18, wherein the post includes an inner channel having a bent portion for receiving the leg (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024).

Regarding claim 22, Glezeman and Chung further teaches the wireless communications kit of claim 28 further comprising a transceiver connectable to a communications jack on the cellular telephone by wires (see Glezeman, paragraph 0016-0018, see Chung, paragraph 0004), the communications circuitry within the communications headset communicating in a wireless manner with the transceiver (see Glezeman, abstract, paragraph 0028).

Regarding claim 23, Glezeman and Chung further teaches the wireless communications kit of claim 22, further comprising a fastener on each of the transceiver and the cellular telephone that secures the transceiver and the cellular telephone together (see Glezeman, abstract, paragraph 0028).

Regarding claim 28, Glezeman teaches a wireless communications kit for use with a cellular telephone (fig.1, abstract), comprising:

a communications headset having a mount (fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024);

a housing (fig.1, headset 110) attached to the mount (paragraph 0021-0024), the housing including a microphone (fig.1, microphone 140, abstract), a speaker (fig.1, earphone 150, abstract), a rechargeable battery and communications circuitry therein (fig.5, paragraph 0028), the microphone and speaker being in communication with the cellular telephone (abstract, communication with a communication device), the communications circuitry having the microphone as an input and the speaker as an output (fig.5, transceiver circuitry 500, abstract, paragraph 0028);

wherein the mount comprises a slot through the housing (fig.2a-2c);

a second attachment shaped to secure itself to the mount and including a top portion arranged to attach to a temple member of a pair of glasses (fig.1-2c, paragraph 0021-0024);

wherein the first and second attachments include a downwardly dependent leg shaped and sized for receipt in the slot (fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024);

Glezeman fails to specifically disclose a first attachment shaped to secure itself to the mount and configured to seat itself about an ear of a user. However, Chung teaches a first attachment shaped to secure itself to the mount (fig.2, hanger 200) and configured to seat itself about an ear of a user (fig.1-2, and 7, hanger 200, abstract, paragraph 0012-0013, 0028). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a first attachment shaped to secure itself to the mount and configured to seat itself about an ear of a user as taught

by Chung with Glezeman teaching in order to provide the headset to easily worn on a user's ear and to maintained in it's initial stable and comfortable wearing position.

4. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glezerman (U.S.Pub-20020098877) in view of Boyden (U.S.Pat-5737436).

Regarding claim 24, Glezeman teaches a wireless communications kit for use with a cellular telephone (fig.1, bstract), comprising:

a communications headset having a housing including circuitry therein (fig.1, and 5, transceiver circuitry 500, abstract, paragraph 0028);

a housing attachment component having a lower end secured to the housing (fig.2a-2c, paragraph 0023) and an upper end having an extension (fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024)

an eyeglass attachment component arranged to attach to a temple member of a pair of glasses (fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024); and

Glezeman fails to specifically disclose a magnetic securement seated so as to be shield from the circuitry within the housing and arranged to magnetically secure the extension to the attachment component. However, Boyden teaches a magnetic securement seated so as to be shield from the circuitry (fig.10, col.7, line 47 to col.8, line 4) within the housing (fig.8 and 8a, col.8, lines 57-65) and arranged to magnetically secure the extension to the attachment component (fig.8 and 8a, col.8, line 57 to col.9, line 11). Therefore, it would have been obvious to one of ordinary skill in the art at the

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time the invention was made to use a magnetic securement seated so as to be shield from the circuitry within the housing and arranged to magnetically secure the extension to the attachment component as taught by Boyden with Glezeman teaching in order to provide the headset to easily worn on a user's ear and to maintained in it's initial stable and comfortable wearing position.

Regarding claim 25, Glezeman and Boyden further teaches the wireless communication kit of claim 24, wherein the lower end of the housing attachment is hingeably secured to the housing (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024).

Regarding claim 26, Glezeman and Boyden further teaches the wireless communications kit of claim 24, wherein the housing attachment component is permanently affixed to the housing (see Glezeman, fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024).

5. Claims 9-12, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glezerman (U.S.Pub-20020098877) in view of Chung et al. (U.S.Pub-20030114201) further in view of Boyden (U.S.Pat-5737436).

Regarding claim 9, Glezeman and Chung further teaches the wireless communications kit of claim 28,

Glezeman and Chung fail to specifically disclose the mount includes a magnet secured to the housing. However, Boyden teaches the mount includes a magnet secured to the housing (fig.8 and 8a, col.8, line 57 to col.9, line 11). Therefore, it would

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have been obvious to one of ordinary skill in the art at the time the invention was made to use the mount includes a magnet secured to the housing as taught by Boyden with Glezeman, and Chung teaching in order to provide the headset to easily worn on a user's ear and to maintained in it's initial stable and comfortable wearing position.

Regarding claim 10, Glezeman, Boyden, and Chung further teaches the wireless communications kit of claim 9, wherein the first and second attachments include a magnetically permeable mount portion shaped to be seatable on the mount (see Boyden, fig.8 and 8a, col.8, line 57 to col.9, line 11).

Regarding claim 11, Glezeman and Chung further teaches the wireless communications kit of claim 1,

Glezeman and Chung fail to specifically disclose the mount includes a magnetically permeable portion secured to the housing . However, Boyden teaches the mount includes a magnetically permeable portion secured to the housing (fig.8 and 8a, col.8, line 57 to col.9, line 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the mount includes a magnetically permeable portion secured to the housing as taught by Boyden with Glezeman, and Chung teaching in order to provide the headset to easily worn on a user's ear and to maintained in it's initial stable and comfortable wearing position.

Regarding claim 12, Glezeman, Boyden, and Chung further teaches the wireless communications kit of claim 11, wherein the first and second attachments include a

magnet positioned to be seatable on the mount (see Boyden, fig.8 and 8a, col.8, line 57 to col.9, line 11).

Regarding claim 29, Glezeman teaches a wireless communications kit for use with a cellular telephone (fig.1, abstract), comprising:

a communications headset having a mount (fig.2a-2c, clip 210, fulcrum 214, pivot pin 216, bias spring 218, paragraph 0021-0024);

a housing (fig.1, headset 110) attached to the mount (paragraph 0021-0024), the housing including a microphone (fig.1, microphone 140, abstract), a speaker (fig.1, earphone 150, abstract), a rechargeable battery and communications circuitry therein (fig.5, paragraph 0028), the microphone and speaker being in communication with the cellular telephone (abstract, communication with a communication device), the communications circuitry having the microphone as an input and the speaker as an output (fig.5, transceiver circuitry 500, abstract, paragraph 0028);

wherein the mount includes magnet secured to the housing (fig.2a-2c);

a second attachment shaped to secure itself to the mount and including a top portion arranged to attach to a temple member of a pair of glasses (fig.1-2c, paragraph 0021-0024);

Glezeman fails to specifically disclose a first attachment shaped to secure itself to the mount and configured to seat itself about an ear of a user. However, Chung teaches a first attachment shaped to secure itself to the mount (fig.2, hanger 200) and

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configured to seat itself about an ear of a user (fig.1-2, and 7, hanger 200, abstract, paragraph 0012-0013, 0028). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a first attachment shaped to secure itself to the mount and configured to seat itself about an ear of a user as taught by Chung with Glezeman teaching in order to provide the headset to easily worn on a user's ear and to maintained in it's initial stable and comfortable wearing position.

Glezeman and Chung fail to specifically disclose wherein the attachments include a magnetically permeable mount portion shaped to be seatable on the mount. However, Boyden teaches wherein the attachments include a magnetically permeable mount portion shaped to be seatable on the mount (fig.8 and 8a, col.8, line 57 to col.9, line 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the attachments include a magnetically permeable mount portion shaped to be seatable on the mount as taught by Boyden with Glezeman, and Chung teaching in order to provide the headset to easily worn on a user's ear and to maintained in it's initial stable and comfortable wearing position.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571.272.7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khai Nguyen
Au: 2617

7/9/2006


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SUPERVISORY PATENT EXAMINER